

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1029
By: Lindsay
Health & Human Services
4/24/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, the governing body of a hospital, hospital district, HMO, medical organization, university medical center or health science center to receive certain records in closed session and make those records confidential. C.S.S.B. extends this confidentiality to the compliance officer of a hospital district, hospital authority public hospital and state owned teaching hospital.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 161.032, Health and Safety Code, as follows:

Sec. 161.032. RECORDS AND PROCEEDINGS CONFIDENTIAL. (a) Provides that the records and proceedings of a medical committee are confidential and are not subject to court subpoena.

(b) Authorizes, notwithstanding Section 551.002, Government Code, the following proceedings to be held in a closed meeting following the procedures prescribed by Subchapter E, Chapter 551 Government Code:

(1) a proceeding of a medical peer review committee, as defined by Section 151.002 (Definitions), Occupations Code, or medical committee; or

(2) a meeting of the governing body of a public hospital, hospital district, hospital authority, or health maintenance organization of a public hospital, hospital authority, hospital district, or state-owned teaching hospital at which the governing body receives records, information, or reports provided by a medical committee or medical peer review committee, or compliance officer.

(c) Provides that records, information, or reports of a medical committee, medical peer review committee, or compliance officer and records, information, or reports provided by a medical committee, or medical peer review committee or compliance officer to the governing body of a public hospital, hospital district, or hospital authority, are not subject to disclosure under Chapter 552 (Public Information), Government Code.

(d) Provides that the records and proceedings may be used by the committee and the committee members only in the exercise of proper committee functions.

(e) Provides that the records, information, and reports received and maintained by a compliance officer retain the protection provided by this section only if the records, information, or reports are received and maintained in the exercise of a proper function

of the compliance officer as provided by the office of the Inspector General of the United States Health and Human Services Department.

(f) Provides that this section and Chapter 160A (Requirements Relating to Medical Peer Review) Occupations Code, do not apply to records made or maintained in the regular course of business by a hospital, health maintenance organization, medical organization, university medical center or health science center, hospital district, hospital authority, or extended care facility. Deletes language regarding the Medical Practice Act.

SECTION 2. Amends the heading to Chapter 161D, Health and Safety Code, to read as follows:

SUBCHAPTER D. MEDICAL COMMITTEES, MEDICAL
PEER REVIEW COMMITTEES, AND COMPLIANCE OFFICERS

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. by deleting the proposed language in Section 161.032(a), further amending Section 161.032(b), and adding hospital authority, hospital district, or state-owned teaching hospital to the proposed Act.

Deletes proposed language in Subsection (g) in its entirety.

SECTION 2. No change.

SECTION 3. No change.